

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|                                     |   |                         |
|-------------------------------------|---|-------------------------|
| RICHARD WOLFGRAM;                   | ) |                         |
| JOHN M.;                            | ) |                         |
| CHRISTOPHER HOLVENSTOT.;            | ) |                         |
| JOHN DOE;                           | ) |                         |
| MICHAEL de KONING; and,             | ) |                         |
| JONATHAN M.                         | ) |                         |
|                                     | ) |                         |
| <i>Plaintiff(s),</i>                | ) |                         |
|                                     | ) |                         |
| v.                                  | ) | Case No. 1:21-cv-02755  |
|                                     | ) |                         |
| DAVID MILLER;                       | ) | Hon. John F. Kness      |
| LAKE FOREST COMMUNITY HIGH SCHOOL   | ) |                         |
| DISTRICT 115; and, LAKE FOREST HIGH | ) | Hon. Gabriel A. Fuentes |
| SCHOOL,                             | ) |                         |
|                                     | ) |                         |
| <i>Defendant(s).</i>                | ) |                         |
|                                     | ) |                         |

**DEFENDANT DAVID S. MILLER III'S MOTION TO DISMISS COMPLAINT  
WITH PREJUDICE FOR VIOLATION OF STATUTE OF LIMITATIONS, PER (AND  
ADOPTING) ARGUMENT I, OF MOTION TO DISMISS COMPLAINT WITH  
PREJUDICE OF DEFENDANT BOARD OF EDUCATION OF LAKE FOREST  
HIGH SCHOOL DISTRICT 115**

1. In his answer to the complaint (Doc. 9) Defendant David S. Miller III, said defendant Miller specifically stated at its beginning that:

By answering the complaint, defendant does not waive his right to later move to dismiss the complaint for violations of applicable statutes of limitations.

**AFFIRMATIVE DEFENSE TO ALL COUNTS HEREIN**

All plaintiffs, each of them, have exceeded applicable Illinois statutory law and common law regarding statutes of limitations, and they are barred from prosecuting all of their

claims herein. Defendant reserves the right to later assert the same and/or join in any other defendant's motion to dismiss for violation(s) of statutes of limitations.

2. Co-defendant BOARD OF EDUCATION OF LAK FOREST HIGH SCHOOL DISTRICT 115 has moved to dismiss the complaint (Doc. 16) for violation of applicable statutes of limitations (Argument I), and for other grounds.
3. Defendant hereby and herein adopts all of Argument I of co-defendant Board of Education motion to dismiss, as and for defendant Miller's motion to dismiss with prejudice the complaint at law against him.

Dated: 8/10/2021

David S. Miller, III

By: /s/ Steven H. Jesser

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**CERTIFICATE OF FILING AND SERVICE**

I, Steven H. Jesser, the attorney certify that even date I filed the above and within Answer with the Court's ECF system, thus serving all counsel of record.

/s/ Steven H. Jesser

Dated: 8/10/2021